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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,050	12/06/2001	Richard D. Rhodes	1998.4039.004	4395

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EXAMINER

THANH, QUANG D

ART UNIT	PAPER NUMBER
	3764

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/009,050	RHODES ET AL.
	Examiner	Art Unit
	Quang D. Thanh	3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 December 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) 1-14 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> .	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Specification

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Objections

1. Claim 1 is objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is an inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. It is unclear to whether the preamble "a seat or body support system having more than one expandable chambers, a pressure/exhaust system, a controller" is part of the method claim. However, since the method recites steps that require these structures stated above, the examiner suggests applicant to include and positively recite a step of "providing a seat or body support system having more than one expandable chambers, a pressure/exhaust system, a controller" the to make the language of the claim be consistent with the intent.
2. Claim 2 is objected to because the limitation "the pressure source" lacks antecedent basis.
3. Claims 13-14 are objected to because of the following informalities: it is unclear to whether limitations enclosed within parentheses are parts of the claim. Appropriate correction is required.
4. The remaining claims are objected to because they depend on an objected claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamanaka et al. (5,762,618). Yamanaka discloses a massage method for a seat or body support system having more than one expandable chambers 22-25, a pressure/exhaust system (col. 4, lines 40-49), a controller 27, the method comprising: selecting a massage control index for operating the pressure/exhaust system to control the pressure in each chamber; and controlling the pressure in each chamber by connecting each chamber to the pressure system to produce inflow of fluid, followed by operating the exhaust system to produce an outflow of fluid from each chamber to produce a massage sequence in which each chamber is selectively inflated and deflated (col. 4, lines 50-67).

7. Claims 1, 5, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimoto et al. (5,611,772). Fujimoto discloses a massage method for a body support system having more than one expandable chambers 18a-18h (fig. 2), a pressure/exhaust system (intake/exhaust instrument 20), a controller (microcomputer 101, fig. 6), the method comprising: selecting a massage control index (air massage courses A and B, col. 6) for operating the pressure/exhaust system to control the

pressure in each chamber; and controlling the pressure in each chamber by connecting each chamber to the pressure system to produce inflow of fluid, followed by operating the exhaust system to produce an outflow of fluid from each chamber (col. 4, lines 20-54) to produce a massage sequence (col. 8, lines 10-56) in which each chamber is selectively inflated and deflated. Re claims 5 and 9, Fujimoto discloses the step of (claim 5) providing a switching means 23, a range of desired massage indexes (air massage courses mode A and B, col. 6) , and selecting one of the desired massage indexes (fig. 4); (claim 9) a series of zones, the massage index including inflating each of the zones in a series fashion and deflating each of the zones in a reverse series fashion (col. 9, lines 30-36)

8. Claims 1-3, 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kashiwamura et al. (4,655,505).

9. Re claim 1, Kashiwamura discloses a massage method for a seat or body support system (fig. 2) having more than one expandable chambers 1-10, a pressure/exhaust system, a controller CPU 51, the method comprising: selecting a massage control index N (col. 6, lines 14-16) for operating the pressure/exhaust system to control the pressure in each chamber; and controlling the pressure in each chamber by connecting each chamber to the pressure system to produce inflow of fluid, followed by operating the exhaust system to produce an outflow of fluid from each chamber (col.

5, lines 1-15) to produce a massage sequence in which each chamber is selectively inflated and deflated (col. 7, lines 34-48).

10. Re claims 2-3, Kashiwamura discloses the step of (claim 2) providing a source of pressurized fluid (pump 27 and accumulator 23), a supply valve 21, an exhaust valve 22; (claim 3) a common exhaust (fig. 2) connecting to more than one expandable chambers and opening the common exhaust in accordance with the massage index (col. 5, lines 1-15).

11. Re claims 5-8, Kashiwamura discloses the step of (claim 5) providing a switching means 16 keys (keyboard 43, fig. 9), a range of desired massage indexes, and selecting one of the desired massage indexes (fig. 3); (claim 6) providing more than one expandable chambers in a back and seat support (fig. 1); (claim 7) operating the pressure system to equalize the pressure between predetermined ones (col. 7, lines 34-48); (claim 8) providing a pressure sensor 28, multiple valves 11-20 and a pump 27, a micro-controller CPU 51 responding to the pressure sensor to conduct an initial inflate of one chamber with all the valves initially opening prior to cyclically connecting each chamber to the pressure source (col. 6, lines 40-68).

12. Claims 1, 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillen et al. (5,211,162). Gillen discloses a massage method for body support system (fig. 1) having more than one expandable chambers 51-58, a pressure/exhaust system 15, a controller 33 (fig. 3), the method comprising: selecting a massage control index (menu

or options, col. 9, lines 1-27) for operating the pressure/exhaust system to control the pressure in each chamber; and controlling the pressure in each chamber by connecting each chamber to the pressure system to produce inflow of fluid, followed by operating the exhaust system to produce an outflow of fluid from each chamber (col. 10, lines 4-20) to produce a massage sequence in which each chamber is selectively inflated and deflated (col. 9, lines 11-14). Re claims 5-8, Gillen discloses the step of (claim 5) providing a switching means (keypad 31, fig. 3), a range of desired massage indexes (figs. 9-11), and selecting one of the desired massage indexes (figs. 9-11); (claim 6) providing more one expandable chambers in a back and seat support (fig. 1); (claim 7) operating (knob 14A) the pressure system to equalize the pressure between predetermined ones (col. 9, lines 23-27); (claim 8) providing a pressure sensor 20, multiple valves 21V-2V and a pump 17, a micro-controller 33 (col. 6, lines 12-14) responding to the pressure sensor to conduct an initial inflate of one chamber with all the valves initially opening prior to cyclically connecting each chamber to the pressure source (col. 6, lines 23-32);

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwamura in view of Takeuchi (4,622,706). Kashiwamura discloses the claimed invention except for an exhaust pump. However, Takeuchi teaches an air mat apparatus comprising a changeover valve 2 and air discharge pump 9 for deflating forcibly the air tube (col. 5, lines 31-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to include an exhaust pump in the Kashiwamura's device, as suggested by Takeuchi, in order to forcibly and quickly discharge the air out of the air bags when needed (col. 5, lines 31-38)

15. Claims 10-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillen. Gillen teaches that if a single chamber option is elected, each of chambers 51A-58A is inflated sequentially. Moreover, Gillen also teaches that if double or triple-chamber option is elected, the chambers are sequentially inflated in a staggered manner (col. 9, lines 11-17), and thus producing overlapping sequencing inflation and deflation (col. 11, lines 18-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to include various alternatives sequential inflation and deflation in operation of the device as claimed, for the purpose of providing desirable manner in which the user's back can be massaged in a particular sequence that would suit the user's need.

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16. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwamura in view of Gillen. Kashiwamura discloses the claimed invention except that it does not explicitly reveal various sequencing of the inflation and deflation of the chambers as claimed. However, Gillen teaches that if a single chamber option is elected, each of chambers 51A-58A is inflated sequentially. Moreover, Gillen also teaches that if double or triple-chamber option is elected, the chambers are sequentially inflated in a staggered manner (col. 9, lines 11-17), and thus producing overlapping sequencing inflation and deflation (col. 11, lines 18-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to include various alternatives sequential inflation and deflation in operation of the Kashiwamura's device, as suggested by Gillen, for the purpose of providing desirable manner in which the user's back can be massaged in a particular sequence that would suit the user's need. Given the inherent structural features that have been demonstrated in the art, it is well within the knowledge of a skilled artisan to be capable of using the prior art's device to provide various alternatives sequential inflation and deflation as claimed by the present invention.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McEwen et al., Cariapa et al., and Cone et al. disclose a method for applying pressure to a limb.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (703) 605-4354. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (703) 308-2698. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Quang D. Thanh
Patent Examiner
Art Unit 3764
November 11, 2003

(QF)

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